tories of Griqualand East, is arming the natives by imperial authority, with a view of assisting

the defensive forces. The troopship Columbian has arrived here, bringing a portion of the troops landed from the troopship Ismore, when the latter went ashore in St. Helena Bay.

SCRAPS OF NEWS FROM AFRICA. THE TUGELA RIVER LOW-LADY SARAH WILSON'S ADVENTURE.

London, Dec. 8.-The latest advices from Frere Camp show that the bombardment of Ladysmith was continued on December 7. A pneumatic dynamite gun on Umbulwana Hill began the

The Tugela River is low. Free Staters are reported to be looting Acton Holmes, on the way back to the Free State

According to a special dispatch from Pretoria. General Joubert recently proposed an exchange of prisoners, especially Lady Sarah Wilson for a Boer woman taken prisoner at Mafeking. Lady Sarah is an aunt of Winston Churchill and the wife of Captain G. C. Wilson, of the Royal Horse Guards. This was the first definite news that she was a prisoner. Lady Sarah had been acting in the double capacity of newspaper correspondent and Red Cross nurse, and there has been much anxiety about her. When last heard from she had left Mafeking on horseback with her maid as her sole companion. She was reported to have reached Setlagoll.

Reports were again current at Orange River December 5 that Mafeking has been relieved. it is known through dispatches from Magalapye that preparations were completed there to advance in force November 15 from Rhodesia, for the purpose of repairing the railroad line and restoring communication with Colonel Baden-Powell. The Boers, however, were strongly intrenched near Gaberones, midway between Magalapye and Mafeking.

Reinforcements are rapidly arriving at Sterks troom, to strengthen General Gatacre, including the much needed artillery. The authorities expect speedy news that General Gatacre has taken the offensive, thus diverting a portion of the Orange Free State forces now obstructing the advance of General Methuen.

A detachment of Cape police had a skirmish with the Boers Thursday, December 7, near Indwe, while General French reports important reconneitrings December 6 from Naauwpoort, showing preparations to attempt the recapture of some of the British towns occupied by the

FLOUR FOR THE BOERS SEIZED. London, Dec. 8 .- A dispatch from Cape Town

announces that the British gunboat Partridge has captured the British steamer Mashona, Captain Johnstone, which left New-York on November 3 via St. Vincent November 16, for Algoa Bay, laden with flour for the Transvaal. The cargo will be landed at Cape Town and the ship will be released.

The steamer Mashona is owned by Bucknall Brothers, London, Norton & Son, the steamer's agents in this city, said yesterday that they could not understand the seizure, and they added that the steamer did not carry flour, but a general cargo, which included no explosives or contraband of war of any sort. The Mashona sailed from here on November 3 for Algoa Bay. Norton & Son denied that the destination of the Mashona's cargo was the Transvaal.

CABINET MEETING IN LONDON. London, Dec. 8.—The Cabinet held a two hours' session to-day. Lord Salisbury had recovered his health sufficiently to preside.

CONSUL MACRUM HEARD FROM. HE SAYS HE WILL SAIL FOR HOME ON DECEMBER 18.

Washington, Dec. 8.-Mr. Macrum has broken his long silence, and in a cable message received at the State Department to-day, dated Pretoria, he announces that he will sail on December 18 via Naples for the United States. This is an indication that he has received the Department's dispatch granting his application for leave of absence

Adelbert Hay, who is going to Pretoria to replace Mr. Macrum, will leave Washington tomorrow to begin his journey.

TO JOIN BOER FARMER UPRISING.

Helstein, Iowa, Dec. 8.-William and Daniel Davis, prosperous farmers, have sold their property and will go to South Africa. Their father is a large farmer at West Barkley, Cape Colony, and has sent for them to join the Boer forces. Eight weeks ago they received a letter from him saying all the farmers in that region were planning an uprising in Boer interests, and asking them to come.

AMERICAN PROPOSALS FAVORED.

POWERS READY TO GUARANTEE THE "OPEN DOOR" IN CHINA.

London, Dec. 9.-The Berlin correspondent of

All the Powers concerned have favorably re-

teived the proposals of the United States re-garding the maintenance of the "open door" in China coch offering to sign the desired assur-ance if the others will do so. Berlin, Dec. S .- A Foreign Office official when

tsked to-day regarding Germany's intention as to the policy of the "open door" in China said: Germany has already given assurances of any has already given assurances of linguess to maintain the "open door" in Far Asia, and she will also undertake to give a written assurance to that effect as soon as all the other Powers interested agree to do the same.

CARTER'S ASSOCIATES INDICTED.

PARTNERS IN THE ATLANTIC CONTRACTING COM-

PANY CHARGED WITH CONSPIRACY TO DEFRAUD.

Savannah, Ga., Dec. 8 .- "The Morning News" will say to-morrow morning that the Grand Jury in the United States Court for the Southern Division of Georgia, in session here, found indictments against John Gaynor, R. D. Greene and E. F. Gaynor, of New-York, co-partners in the Atlantic Contracting Company, and others, for conspiracy to de-fraud the Government. This is an outcome of the viction of O. M. Carter, late captain of engineers

conviction of O. M. Carter, late captain of engineers of the Army.

Greene and Gaynor are alleged to have been in conspiracy with Carter to defraud the Government in the improvement works in Savannah River and harbor and Cumberland Sound, and to have wrongfully collected from the Government sums of money variously estimated to an amount from \$1.000,000 to to E.500.00 The indeterments have not yet been made public, as it is the custom of the Federal courts to have its defendants in custody or under bond before publishing the indictments.

In course of the week the Grand Jury has examined various witnesses in respect to the matter, among them several Army and War Department officers from Washington, and a mass of documentary evidence, including drafts for more than E.600 drawn by Carter, and many papers respecting the work on the Savannah River and Harbor and Cumberland Sound.

THE GOVERNOR'S VISIT.

HE CONFERS WITH VARIOUS PEOPLE ABOUT CANAL AND OTHER MATTERS.

Governor Roosevelt spent several hours in study of the canal question yesterday and found time to talk with many friends. He had breakfast in the home of Douglas Robinson, his brother-in-law, at No. 422 Madison-ave., with General Francis V. Greene, Austen G. Fox, Frank S. Witherbee and Grant La Farge. With Mr. La Farge he talked about the advisability of reforms in the administration of State forestry affairs. After Mr. La Farge departed he talked with the others about the canal question. General Greene is the chairman of the Canal Advisory Commission, and Mr. Fox was one of the special counsel appointed to investigate the canal frauds. The report to be made by the Advisory Commission as to improvements was discussed at considerable length.

When seen by newspaper men the Governor declined to give any outline of the report which the Advisory Commission is to make, or talk about legislation on the subject which he may recommend. He said the report would be made public soon after the beginning of the session of the Legislature.

About noon the Governor left the house in Madison-ave, to take luncheon at the Hardware Club, at No. 253 Broadway, with Paul Goepel and Hubert Cillis. He returned to the house in the afternoon and saw meny friends who had appointments to meet him there. Last evening the Governor had dinner with Nicholas Murray Butler at No. 119 East Thirtleth-st.

This morning the Governor will have break fast with Senator Platt and Chairman Odell of the Republican State Committee at the Fifth Avenue Hotel. They will confer about the appointment of new judges of the Court of Appeals, about tax law revision, about amendments to the charter of this city, about the appointment of chairmen of several important Assembly committees, about canal legislation and about other subjects of a political character which are to be referred to in the Governor's message to the Legislature. The Governor said yesterday that he agreed with Senator Platt that no effort should be made by the organization leaders to pass the State Constabulary bill this winter. Senator Platt said his views had been stated correctly by Mr. Odell in the inter-view published in The Tribune yesterday.

It is probable that Otto Kelsey, of Livingston County, will be selected as the chairman of the Assembly Committee on Cities. Mr. Kelsey had a talk with Mr. Odell at the Fifth Avenue Hotel last evening, and later it was reported that he would be at the head of the Committee on Cities. Mr. Kelsey said he was willing to accept

Governor Roosevelt will have luncheon to-day at the Century Club with Captain F. Norton Goddard and Jacoo E. Riis. In the evening he will have dinner with Louis Stern, and it was said last evening that Senator Platt, Mr. Justice Werner, of the Supreme Court, and ex-Justice Cohen had been invited to the dinner The Governor expects to return to Albany to

ITS ANNUAL CELEBRATION.

INTERESTING MEETING OF THE MILITARY SERVICE INSTITUTE.

The annual celebration of the Military Service Institute was held last evening in the 7th Regi ment Armory, Sixty-eighth-st. and Park-ave. The attendance was large, nearly all of the prominent military men in the city and the neighborhood being there. In the absence of General Miles the president of the institute, General Wes ley Merritt, the vice-president, occupied the chair Colonel Charles A. Woodruff, the treasurer of the institute, made the chief address. In the course of his remarks the Colonel said:

We meet here to-night not to preach war, but to show that the interests sought by this institute tend toward honorable peace. It was not readiness with war that caused us to engage in the Spanish-American contest, but had we been prepared there would have been no war, for the potent reason that the ruling power in Cuba would have yielded to the reasonable demand of the United States Government that the government of that unfortunate island should be based more on the principles of humanity and justice.

on the principles of humanity and justice.

I hope that with the extended and increased responsibilities which we have assumed we will bravely meet them. To do so we will require greater preparation and broader military education among the people; and the mission of this institute is to aid in preserving and disseminating such education, and to encourage such preparation for war as will enable our Government to call our great armies in time of public danger and to imgreat armies in time of public danger and to im-prove and perfect the methods by which such ar-mies are to be rapidly brought into a state of mature strength and effective action, to the end that the rank due the United States among the nations may be maintained.

Colonel Woodruff in referring to the institute said it was organized twenty-one years ago fo the purpose of professional improvement and the interchange of views upon military matters. The institute, he added, had a military library of more than twelve thousand volumes, which if properly housed and made accessible to the general public would be of great value to the military student. Referring to the 7th Regiment, Colonel Woodruff

The magnificent building whose doors are thrown wide open to us to-night is alike a tribute to the generosity of the members of this, the most renowned regiment in our National Guard. Every intelligent man knows contributions came to the 7th Regiment, not because it was New-York's best knowr regiment, but for the reason that this regiment had shown its value as a life and property saver in 1834 at the Abolition riots; in 1849, at the Forrest-Macready riots; in 1861, when it marched away to the defence of the capital; in 1853, when in twenty-four hours it was off to help repel the invader, and again when it marched to crush the Draft riots.

Short speeches were also made by General Daniel E. Sickles, General Francis V. Greene, Whitelay Reid, General Joseph W. Plume, of the National Guard of New-Jersey; General Daniel Butterfield, Colonel W. C. Church and Major General Roe.

After the speechmaking the officers and members of the institute and the guests marched into the drawing room and library, where refreshments were

officers of the institute are: President, General Nelson A. Miles; vice-president, General Wes-ley Merritt; second vice-president, General T. F. Rodenbough; secretary Colonel W. H. Powell, and treasurer, Colonel Charles A. Woodruff. Among those present at the exercises were Gen-eral Horatio C. King, Colonel Daniel Appleton, Lieutenant Colonel W. H. Kipp, General G. L. Gil-lespie, U. S. A.; Colonel G. S. Schermerhorn; Colo-nel J. F. Kimball, Admiral Erben and ex-Judge Joseph F. Daly. eral Nelson A. Miles; vice-president, General Wes

SCANNELL GOING TO HAVANA.

HE WILL REORGANIZE THE FIRE DEPARTMENT MR. WHALEN TO TAKE THE SAIL WITH HIM.

Fire Commissioner John J. Scannell will sail today on the Ward liner Havana for Havana. He goes at the request of a committee of merchants of that city to reorganize their Fire Department. Commissioner Scannell will remain in Cuba probably two weeks, advising with the civil authorities in regard to the best method of fire fighting to adopt in the city of Havana. The Fire Department will be organized as closely as possible on the lines of this city's department. The insurance lines of this city's department. The insurance rates in Havana have been so excessive on account of the inflammable materials of which the majority of the bull-lines were constructed and the mefficiency of the Volunteer Fire Department that American capitalists were slow to invest where there was such danger from fire and the insurance rates were so high. With a department organized by Commissioner Scannell it is hoped these disadvantages to investors will be mitigated.

Corporation Counsel Whalen will sail to Cuba with Mr. Scannell, but will return on the same steamship. Mr. Whalen is to take the trip for rest and recreation.

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NINE MEMBERS-THE GOVERNOR'S

POWER OF APPOINTMENT.

[BY TELEGRAPH TO THE TRIEUNE.]
Albany. Dec. 8.—The Governor's law adviser,
Charles Z. Lincoln, has been at work for some time putting in statute form the plan to bring about the unification of the State's educational system suggested by the Commissioners at their last meet-

Mr. Lincoln has completed his work and has fust written a letter to the various Commissioners concerned, telling them what he has done in regard to certain suggestions made to him and inclosing to each Commissioner a copy of the proposed amendments to the educational laws of the State. Mr. Lincoln discloses one interesting fact in his letter hitherto unknown-namely, that the suggestion has been made that Governor Roosevelt, and not the Regents, shall appoint a successor to Charles R. Skinner as Superintendent of Public Instruction and that the term of this Superintendent of Public Instruction should be for six years. The beginning of the proposed system of having the Regents elect a Superintendent of Public Instruction would thus

postponed for six years. Governor Roosevelt is authorized by the suggested amendment to the educational law, within twenty days after it becomes a law, to appoint, "with the advice and consent of the Senate," a successor to Superintendent Skinner, whose term does not expire under existing laws till April, 1901.

NUMBER OF REGENTS REDUCED.

Mr. Lincoln also discloses the fact in his letter, hitherto unknown, that some of the Unification Commissioners have proposed that the number Regents be reduced to nine, the present Regents shall be retained in office. Under this plan no vacancies which may occur by death or resignation in the Board of Regen uld be filled until the Regents have been reduced to nine in number. Thereafter the Legislature would elect Regents to fill vacancies as at present: guided by a limitation that vacancies must be from the judicial districts. There are eight judicial districts. There would be one Regent, accordingly as the representative of each judicial district. The by the Legislature from the State at large.

The alternative plan provides that each one of th present Regents, except the ex officio Regents, all become honorary Regents, if seventy years of age or on becoming seventy years of age. The exofficio Regents are dropped. Further it is provided law, Governor Roosevelt, "by and with the advice and consent of the Senate, shall appoint nine Regents." This infusion of such a large new element rights of five veteran members of that Board has interested in the welfare of the schools of the State

JUDGE LINCOLN'S LETTER. Following is a copy of Judge Lincoln's interesting

letter:

Albany, N. Y., December 6, 1899.

Hon, Frederick W. Holls and others, Commissioners of Educational Unification.

Gentlemen: Pursuant to your request made at the session of the Commission on November 28 last I have the honor to transmit herewith several sections intended to be included in the proposed Education law, and in which I have tried to express the views of the Commission as embodied in the resolutions adopted at its recent meeting.

I think that the plan proposed by the Commission can be readily adjusted to the pending bill, with some modifications, which it is probably not necessary to call attention to at this time.

I also inclose an alternative Section 481 and an alternative Section 603, the first relating to the selection of a superintendent and the other to the constitution of the Board of Regents. Some suggestions have been made to the effect that it may be well to authorize the Governor to appoint the first Superintendent. This can be accomplished, if the Commission desires, by the alternative Section 481.

The alternative Section 603 also meets the views

481.

The alternative Section 603 also meets the views of some persons who are in favor of reducing the number of Regents to nine, and without changing the present Board, except by omitting the ex officio

THE FOUR DEPARTMENTS

If the Commission smally concludes to adopt a simpler plan of unification than that proposed at its late meeting, the sections providing for the creation of four departments and for supervision of the entire system by the Chancellor can be omitted, and the plan will then involve only the transfer of all the public schools to the Department of Public Instruction and the selection of the Superintendent by the Regents, leaving the Department of Public Instruction with its statutory powers without any control by the Regents.

It will be noted that the section on the Superintendent provides for his removal by the Governor. Very truly, yours.

CHARLES Z. LINCOLN.

The first section proposed by Judge Lincoln in

regard to the Regents reads as follows: regard to the Regents reads as follows:

Regents—The University shall be governed and all its corporate powers exercised by the Board of Regents. The elective Regents now in office are continued. The Governor, within twenty days after this chapter takes effect, shall, by and with the advice and consent of the Senate, appoint nine Regents. Each Regent who is more than seventy years of age when this chapter takes effect, and each Regent hereafter appointed or elected shall after the last day of December next after he shall be seventy years of age, be an honorary Regent, and as such shall possess all the powers and be subject to all the dutles and responsibilities hereby devolved on or vested in the Regents, except that he shall have no vote in the Board.

If the Chancellor is not a Regent he shall be ex-officio a member of the Board of Regents, but he cannot vote except on appointments by the

FUTURE APPOINTMENTS.

All Regents heretofore or hereafter chosen shall hold office during good behavior. After the appointments are made by the Governor, as herein provided, a Regent shall not be chosen until the whole number of Regents in office is less than fifteen. Thereafter as vacancies occur Regents must be chosen by the Legislature at such time as it may determine, in the same manner as a Senator

A president, principal, instructor, trustee or other If a Regent fails to attend three consecutive meetings without a written excuse accepted as satisfactory by the Regents not later than the third onsecutive meeting from which he is absent, his office shall be deemed vacant and shall be filled by

the Legislature as herein provided. AN ALTERNATIVE PROPOSED. As an alternative to this Judge Lincoln proposes

the following:

Regents—The University shall be governed and all its corporate powers exercised by a Board of Regents. The elective Regents now in office are continued. A Regent shall not be hereafter chosen until the number is less than nine. Thereafter, as yeacancles occur Regents must be chosen by the Legislature at such time as it may determine, in the same manner as a Senator in Congress; but yeacancies shall be filled from the judicial districts which have no resident Regent in the numerical order of the districts until each district has one Regent. Thereafter one Regent shall be chosen from the State at large, and the Board shall be composed of nine Hegents. A yeacancy shall be filled from the district in which it occurs, if such district has no Regent, or from the State at large, as the case may be. A Regent hereafter chosen shall hold office for a term which shall expire on the last day of December next after he shall be seventy years old. A president, principal, instructor, trustee or other officer or employe of an institution in the university is not eligible to the office of an elective Regent.

If a Regent falls to attend three consecutive meetings without written excuse, accepted as satisfactory by the Regents not later than the third consecutive meeting from which he is absent his office shall be deemed vacant and shall be filled by the Legislature as herein provided. the following:

Then Judge Lincoln submits the following pro-The educational system of the State is hereby

divided into four departments:
First-The Department of Public Instruction, including elementary and high schools and all public secondary schools.

Second—The Department of Higher Instruction, including universities, colleges, academies, private secondary schools and preparatory and technical

chools.
Third-The Department of Home Education, in-Third—The Department of none cluding libraries and museums. Fourth—The Department of Law and Finance. The Regents may also from time to time, in their discretion, establish other departments and may make regulations not inconsistent with law for the administration and government of each department.

SUPERVISION OF DEPARTMENTS.

SUPERVISION OF DEPARTMENTS.

The Department of Public Instruction is under the immediate supervision of the State Superintendent of Public Instruction. Each other department is under the immediate supervision of a difference or or other officer designated by the Regents. All heads of departments shall be appointed by the Regents. The Chancellor of the University shall be the chief educational executive officer of the State, and as such shall have general supervision of all departments established by this chapter or otherwise. The executive powers of the Board of Resents and the Department of Public Instruction existing when this chapter takes effect shall thereafter be exercised through the departments hereby created under the general supervision of the Chancellor.

The Board of Regents may from time to time make, amend or repeal any law, bylaw or ordi-

STATE SCHOOL CHANGES.

JUDGE LINCOLN'S PLAN FOR UNIFYING
THE PRESENT SYSTEM.

BOARD OF REGENTS TO BE REDUCED TO
NINE MEMBERS—THE GOVERNOR'S

nance not inconsistent with laws concerning the powers and duties of the Chancellor.
The elective officers of the university shall be a chancellor, a vice-president and a secretary. A Regent only is eligible to the office of president or vice-president, but any person may be elected or hancellor. These and other officers prescribed by statute or university bylaws shall be chosen by ballot by the Regents. The chancellor shall be elected for a term of years, and may be removed by the Regents for cause. All other officers shall hold office during the pleasure of the Board.

THE STATE SUPERINTENDENT.

Judge Lincoln first suggests the following section regard to the Superintendent of Public Instruc-

The office of State Superintendent of Public Instruction is continued. The Superintendent in office when this chapter takes effect shall continue therein until and including the 30th day of June, 1901. In the month of April, 1901, and in the same month in each sixth year thereafter the Regents shall elect by ballot a State Superintendent of Public Instruction, who shall hold office for a term of six years, commencing on the 1st day of July next following his election. Vacancies shall be filled for the remainder of the unexpired term. The Superintendent may be removed by the Governor for cause. As an alternative to this Judge Lincoln suggests

the following, authorizing Governor Roosevelt to appoint a new Superintendent of Public Instruc

The office of State Superintendent of Public Instruction is continued. The Superintendent in office when this chapter takes effect shall continue therein until the appointment and qualification of his successor. Within twenty days after this chapter takes effect the Governor, by and with the advice and consent of the Senate, shall appoint a State Superintendent of Public Instruction. His term of office shall be six years, commencing on the first day of July next following his appointment. His successors shall be elected by the Regents by ballot, and except to fill a vacancy shall be elected for a full term shall be held in the month of April next preceding the expiration of a term. Vacancies shall be filled for the remainder of the unexpired term. All terms shall begin on the first day of July and expire on the thirtieth day of June. The Superintendent may be removed by the Governor for cause.

THE PAYMENT OF TEACHERS.

AINSWORTH HOLDS THAT STATE FUNDS MUST BE TURNED OVER TO THE BOARD OF EDUCATION.

Albany, Dec. 8 (Special).-Some interesting cor espondence which has a bearing upon the payment of the salaries of teachers in the public schools of New-York City was made public here to-day. Willam H. Maxwell, the City Superintendent of Schools of New-York, yesterday sent a letter to Charles R. Skinner, the Superintendent of Public Instruction, asking him whether in his judgment the State appublic schools in New-York City should be turned ever to the Board of Aldermen, or whether he agreed with the Corporation Counsel that "the Board of Education is limited to the appropriations made by the city authorities and that the State appropriation may be used for the reduction of axes" in New-York.

Danforth E. Alnsworth, the Deputy Superintendent of Public Instruction, answered this letter of Superintendent Maxwell to-day.

In his reply Deputy Superintendent Ainsworth says that he does not attempt to authoritatively decide the question propounded, although it is of such importance as to call for an opinion contrary to the usual course pursued by the Department of Public Instruction

After quoting the law governing the apportion ent of school moneys by the State Superintendent of Public Instruction, and stating that \$1,219,049 13 was apportioned to New-York, he says:

was apportioned to New-York, he says:

Excluding the library moneys (\$22,782.54), and the appropriation for supervision (\$29,300), there remains the sum of \$1,169,965.95, which is raised either by State taxes or derived from the funds above enumerated, that can only be applied to the payment of teachers' wages.

In considering the uses to which this fund is applied, the history of the free school fund must be considered. For over a hundred years this State's aid to public instruction has been by general State taxation, first paid into the State Treasury on the basis of taxable property, and then apportioned among the counties and cities on a varying basis, but always disregarding the question of taxable property, the theory being that the public school was a State institution. The fact that New-York City, possessing a large amount of taxable property, pays into the State Treasury a larger proportion of this fund than any other locality does not entitle it to any special consideration in the distribution of that fund any more than could Mr. Vanderbilt, or any other large taxapayer in the city of New-York, claim special privileges because of a large tax list.

This requirement that this fund could only be used at that this fund could only be used

of a large tax list.

This requirement that this fund could only be used in the payment of teachers' wages has been observed and insisted upon in every one of the forty cities of the State and in every one of the more than 11,000 school districts and villages in the State. The statute has been in force many years, and has universally been recognized as binding upon the entire State and entirely equitable in all of its provisions.

Therefore, neither the Board of Education nor the Board of Estimate and Apportionment in the city of New-York, in my judgment, has power to divert this fund from the purposes for which it has been raised. It represents the proceeds of taxation in Chautaugua County as much as in New-

has been raised. It represents the proceeds of taxa-tion in Chautauqua County as much as in New-York, and the taxpayer of that county is as much interested in having this fund reach the purposes enumerated in the statute as the taxpayer of New-York. In my judgment this principle is not in any way affected by the provisions of the charter of

way affected by the provisions of the charter of New-York force, of the opinion from the statement of facts as presented by you, that the State appropriation to the city of New-York from the funds indicated at the opening of this communication should be turned over to the Board of Education, and must not be used for the reduction of

CHARGES AGAINST OFFICERS.

PETITION ASKING FOR A RECEIVER FOR THE FRANKLIN NATIONAL BANK AL-LEGES THAT THEY ARE TRYING TO FAVOR THEMSELVES

AS DEBTORS. There is a lively war going on between the officers and directors of the Franklin National Bank on the one hand and the Liquidating Committee on the other. Twice within the last few weeks Judge Lacombe, of the United States Circuit Court, has been asked to settle the differences which arose in the efforts to wind up the bank's affairs. He first ruled that the Liquidating Committee did not supersede President James and the other officers officer or employe of an institution in the university is not eligible to the office of elective Regent.

sede President James and the other officers and that the latter could close up the institution. Next is not eligible to the office of elective Regent. while in possession of the bank had changed the or mbination on the vaults and would not turn over the books or papers. Judge Lacombe demanded that the combination of the strong box be surrendered to President James, and this was reluctantly done. In the course of these proceedings it was alleged that the Liquidating Committee had scured possession of about \$40,000 which they refused to surrender. Action on this matter is still

pending before the court. Yesterday the Franklin National Bank matter came up before Judge Lacombe in the form of a petition for the appointment of a receiver. This application is made by C. H. Taintor and others, who represent that they hold 325 shares of the bank's

Taintor's bill of complaint charges that the Liquidating Committee and the officers and directors of the bank are at war among themselves and that a state of affairs has resulted which makes a receivership imperative if the stockholders are to be pro tected. The complaining stockholders in the petition now before Judge Lacombe charge that on January 1899, the defendants Charles F. James, William James, Theodore P. Hoffman, Washington L. Jacques and George West gave to the bank their notes for \$3,000 each to make up an impairment of \$15,000 in the capital required by the Controller of the Currency as a condition of allowing the bank to continue business. The petitioners further allege that on the following February 1 the makers of the notes voted to return them to themselves, and that in the whole transaction no money was paid into the bank's treasury. The petition continues:

The individual defendants have conspired and are conspiring together to secure control of the liquidation for the purpose of avoiding payment on the notes of \$1.000 each made by the five named defendants to enable the defendants to get large sums from the funds of the bank for themselves under the guise of salaries, that are not and cannot be earned, and to enable them to pay large sums to counsel from the funds of the bank, against the interest of your crators and the other shareholders, and to enable them to favor the mselves and their friends as debters of the bank, especially in regard to the Anglo-American Oyster Company loan, said loan of \$5.100 to the defendant Charies F. James, and said loan of more than \$10.000 to said Ellis H. Roberts, all to the great detriment and loss of your orators and other shareholders of the bank.

In addition to the appointment of a receiver the petition asks for "a writ of injunction, perpetually enjoining and restraining the defendants from assuming or attempting to assume any authority over the affairs of the bank."

When the motion to show cause why the appointment of the receiver petitioned for came up before Judge Lacombe counsel for President James and his associates stated that as the copy of the petition had only been served on him the previous evening he had not had time to prepare an answer to the serious allegations whigh it contained. He asked for reasonable time to frame his answer, and as there was no objection from the other side the arguments on the motions for the appointment of a receiver and the lessuance of a perpetual injunction against the defendants were put off for one week. The individual defendants have conspired and

HEAVY SLUMP IN STOCKS.

SERIOUS DECLINES ALL ALONG THE LINE.

DOWNWARD MOVEMENT LARGELY DUE TO THE OPINION THAT THE BANK STATE-

> MENT WOULD SHOW DECREASE IN SURPLUS RESERVE.

Prices in the stock market suffered a general and serious decline yesterday, the downward movement reflecting the general opinion that to-day's bank statement would show a large decrease in surplus reserve, the losses of the banks to the Sub-Treasury and the continuance of the movement of money from this centre to the South having been offset only in small measure by the relatively small offering of bonds during the week under Secretary Gage's

The bears took advantage of the situation to put pressure on the whole market, devoting their efforts chiefly, however, and with much success, to forcing down the industrials and certain other stocks which are speculative favorites. Steel and Wire common suffered a net loss for the day of 5 points, and the preferred 2; Sugar, 44; Tin Plate common, 14, and preferred, 3; Tobacco common, 2%; Malt preferred, 2%; Continental Tobacco, common and preferred, each 24; Federal Steel common, 3%; International Silver, 2; Metropolitan Street Railway, 4%; National Biscuit common, 2%; Tennessee Coal and Iron, 64; United States Rubber common, 4 per cent. The railway shares, however, did not escape. New-Jersey Central declined 2 points; Chicago and Northwestern common, 4, and preferred, 2; Lackawanna, 11/2; Great Northern preferred, 2; New-York Central, 11/4; New-Haven and Hartford, 2; Pennsylvania, 116; Southern Pacific, 14; Union Pacific common, 1%. A story was current on the Stock Exchange

vesterday that the Associated Banks had lent yesterday that the Associated Banks had lent the Bank of England \$20,000,000. Leading bankers and bond firms characterized the rumor as preposterous. It was also reported that the Secretary of the Treasury would advance the price at which he would buy the 4 and 5 per cent bonds. Speculative imagination appeared to be the chief basis for these rumors. Another report, to which more credence at-tached, was that Secretary Gage was contem-plating the issue of a call for tenders of bonds, without specifying any particular classes or naming any especial price. The object of this step, it was urged, would be the defeating of any attempt by bear interests to restrict the of-ferings, and the consequent relief to the money

step, it was urged, would be the actions any attempt by bear interests to restrict the offerings, and the consequent relief to the money market, by bidding up the price of bonds to figures higher than those named by the Government—an attempt which, it is alleged, was made with some success in the case of the present offer of the Secretary to purchase \$25,000,000 of deeped \$25.000,000 of the secretary to purchase \$25,000,000 of the secretary to

MR. SAGE DENIES IT.

Russell Sage yesterday denied that there was any ruth in the report that he had lent \$3,000,000 in the London market. "I am able to get in this country," he said, "satisfactory rates for what money I have to loan. At the same time I want to say that I believe that the expenses of the Transvail war will cause money to continue dear in England, until a single victory will put an end to this sacrifice of treasure and life."

MAY ARREST MILLER SOON.

FURTHER RUMORS THAT HE WILL BE TAKEN IN A DAY OR TWO.

Rumors were rife again last night that William F. Miller, of Franklin Syndicate fame, would be arrested some time to-day. "Colonel" Robert A. Ammon, Miller's lawyer, reasserted last night that Miller was not in Canada, but at Police Headquarters in Brooklyn the opinion prevails that that is where Miller is hiding.

Captain Reynolds, of the Brooklyn Detective Bureau, and Deputy Chief MacKellar have refused for

reau, and Deputy Chief MacKellar have refused for the last few days to say a word for publication on the Miller case. They have, however, not ceased to worry about it. It is reported in Brooklyn that strenuous efforts are now being made to prepare legal papers upon which Miller, who is said to be in Canada, can be brought back to Brooklyn for trial. A bench warrant will not be sufficient.

When Captain Reynolds was seen last night with reference to the repeated rumors that he was to be deposed because his detectives allowed Miller to escape, h treated the matter as a loke.

Justice Gaynor, in the Special Term of the Supreme Court, Brooklyn, yesterday morning denied the application of John L. Dulley, the assignae of Miller, for an order to compel Charles Blatchford, police property clerk, to turn over to him the money which the police took from No. 14 Floydst, Brooklyn. He denied it on the ground that steps have been taken looking to involuntary bankruptcy proceedings on behalf of Miller. These proceedings will be in the Federal Court, and will have precedence over all actions in the State courts.

MILLER STILL AT LARGE. MONTREAL AUTHORITIES SAT NO WARRANT FOR

HIS ARREST HAS BEEN APPLIED FOR. Montreal, Dec. 8 (Special).-There is nothing new ere in the Miller case. The authorities here still assert that they have had no communication from the American police and that no warrant for Miller's arrest has been applied for. The extradition court officials deny the statement made in American papers that application for his extradition has been made. Greenshields & Greenshields, lawyers, who are reported to be acting as Miller's lawyers, decline to make any statement on the matter. It is learned, however, that Miller did visit this city after his disappearance and had con-sultations with these lawyers, but his present whereabouts is a mystery, though it is reported that American detectives have him under surveil-

GEORGE P. STEWART'S LATEST SCHEME. A GLITTERING PROJECT FOR MAKING MONEY OUT OF AUTOMOBILES.

George Percival Stewart, about thirty-seven years old, with an expensive suite of offices at Park Row, is the head of the Mercantile Manufacturing Company, with an alleged capital of \$100,000, which is inviting investors who believe in the company's ability to make money out of automobiles. Mr. Stewart's concern has been running two weeks has had built and has running one automobile, and he is on the lookout for people with capital who want to get rich quickly. The District. Attorney's office is investigating Stewart's company. Stewart proposes to make and sell automobiles on the instalment plan. He shows contracts with two French manufacturers, who promise to give him a commission of 10 per cent on machines sold for them. He asserts that his automobiles are being made by C. C. Riotte, a mechanical engineer and manufacturer of motors, at One-hundred-andthirty-second-st, and Park-ave. He advertises for agents, who must pay him from \$100 to \$500 for territorial rights before they begin business. The company proposes to sell its own bonds, guarantee-ing to each investor 25 per cent a year on his in-

Although Stewart has office room for fifty clerks at No. 28 Park Row, there were only two men and a girl there besides Stewart himself when a Tribune reporter called there yesterday, and no business was being done "I got out of a sick bed in order to come down

here and face those who are criticising me and my company," said Stewart. "This company, it is true, is a young one, and we have little capital paid in. We are trusting to investors largely for our capital. I know of one concern that got orders for six hundred automobiles in one month. There's for six hundred automobiles in one month. There's profit enough in that one order to make a man a fortune. The story that we have no machine and no piant is a lie. Mr. Riotte is our manufacturer, and we have an automobile running every day from the circle at Fifty-ninth-st, for the benefit of those who wish to invest in the stock of the company. Any one who wishes to do so can go there and take a ride around the town, and satisfy himself that we have the best machine in the world."

Mr. Stewart's record as a financier does not warrant the belief that any one will get rich who invests his money with the Mercantile Manufacturing Company. In May, 1889, he was vice-president of the Granite State Provident Building and Loen Association. The concern failed in 1896, owing 1885, 600. Last January Mr. Stewart was heard of as the head of the American Investors' Company, with offices at the same place, No. 38 Park Row. Stewart was arrested in connection with irregularities in this company, and that ended the company. Then he started the Financial Agency Company, and was arrested on a complaint by a German named Schwitzer, who alleged that he had lost \$46 in the company. Stewart was held for examination in

the Centre-st. police court. He was arrested later in Hoboken in company with others, charged with

DEATH OF E. C. STONE.

IT MAY MAKE NECESSARY A SPECIAL ELEC-TION IN THE XXXIST DISTRICT.

Edward C. Stone, who was the Democratic candidate for Assemblyman in the XXXIst District and was supposed to have defeated Assemblyman Samuel S. Siater at the recent election, died from con-sumption yesterday at his home, No. 265 West One-hundred-and-twenty-first-st. His death probably will cause a special election for Assemblyman in the district next month. The contest between Mr. Stone and Mr. Slater was close, and on the face of the returns Mr. Stone was elected with a plurality of 63 votes. In one election district, however, there was a dispute as to the correctness of the returns, and Mr. Slater intended to contest Mr. Stone's election. Mr. Stone's friends were surprised the other day by the information that in the new clerk's manual, the official directory of the Legislature, Mr. Slater's name was printed as that of the Assemblyman from the XXXIst District of New-York

The final announcement of the official canvass by the Board of County Canvassers will not be made until December 21, after some soldier votes are counted. If the Board of County Canvassers declares that Mr. Stone was elected the Governor will order a special election for Assemblyman in the would prefer to have a special election. He expects to be re-elected to the Assembly if such an elec-tion is held, as the district has a Republican ma-

ion is field, as the district has a Republican majority.

Mr. Stone became sick in October, about the time of his nomination by the Democratic party. He was a member of the law firm of Wahle & Stone, of No. 250 Broadway. He belonged to the Anawanda, Harlem Democratic, Democratic, Carondelet and Freundschaft clubs and was formerly president of the Young Men's Hebrew Association. He was a member of the Congregation of Temple Israel. Be was graduated from Columbia University.

The funeral will be held to-morrow, but at what time the family was unable to say last night. The burial will be in Washington Cemetery, Longisland.

THE DUKE OF MANCHESTER ILL.

UNABLE TO SAIL FOR ENGLAND TO-DAY, AS HE

The Duke of Manchester is confined to his apartments in the Waldorf-Astoria Hotel, suffering from a severe attack of nervous prostration, and will be unable to sail this morning, as he had planned The cable message a few days ago, summoning the Duke home to his sister's deathbed completely prestrated him. To add to his troubles he con-tracted a severe cold, and yesterday Dr. Adams, his physician, insisted on the Duke remaining quietly in his room.

LIEUTENANT BRUMBY CRITICALLY ILL.

SUFFERING FROM FEVER CONTRACTED IN THE

Washington, Dec. &-Lieutenant T. M. Brumby, who was flag lieutenant to Admiral Dewey at the battle of Manila, is critically ill at the Garfield Hospital, in this city. He is suffering from a fever contracted as a result of his long stay in the tropics, and has been at the hospital about two weeks. The physicians at the hospital express the belief that he will recover.

BOXING.

M'FADDEN DEFEATS KEARNS AFTER TWENTTO FIVE ROUNDS OF FIGHTING.

McFadden received the decision over "Tim" Kearns after fighting twenty-five rounds at the Broadway Athletic Club last night. The men fought at 133 pounds. The preliminary bout of twelve rounds was also a fast fight. It was between "Tommy" Sullivan and "Andy" Daly. The decision was awarded to Sullivan.

MAYOR OF CANTON BUYS BLOODHOUNDS. Chattanooga, Tenn., Dec. 8 (Special).-The Mayor of Canton, Ohio, is here, and he has purchased two excellent bloodhounds for use in that city. Before purchasing them he had the owner test the dogs with a genuine negro chase, which was successful. The price paid is understood to be \$1,000.

A Christmas Suggestion

PIANOLA

The Pianola is a piano player, by means of which any one can play upon any piano any selection he may desire to hear at any time. Price \$250. Daily recitals morning and afternoon. You are cordially invited to attend.

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Rheumatic Pains!

New-Orleans, April 10, 1898.

'T have been a sufferer from rheumatism for more than six months. I could not raise my mands to my head of put my hands behind me, or even take off my own shirt. Before I had finished three-fourths of a bottle of Radway's Ready Relief I could use my arms as well as every You can see why I have such great faith in your Relief. You're truly.

Engineer at A. Montelone's Boot and Shoe Factory, 988 Julia street.

Radway's Ready Relief For the Cure of Pain, Congestion and Inflammation, Sold by All Druggists.

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